



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

09/786,527

03/05/2001

Norbert Lobig

P010088

1420

26371 7590 10/28/2008

FOLEY & LARDNER LLP
777 EAST WISCONSIN AVENUE
MILWAUKEE, WI 53202-5306

EXAMINER

TANG, KAREN C

ART UNIT

PAPER NUMBER

2451

MAIL DATE

DELIVERY MODE

10/28/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/786,527
Filing Date: March 05, 2001
Appellant(s): LOBIG, NORBERT

Lobig, Norbert
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 08/08/2008 appealing from the Office action mailed 01/08/2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

Art Unit: 2451

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

| | | |
|----------------|--------------|------------|
| Emery et al | US 5,758,281 | 05/26/1998 |
| Akinwale et al | EP 0708570 | 10/18/1994 |

(9) Grounds of Rejection

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23-29, 31-37, 39-40, 43-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Emery et al (US 5,758,281) hereinafter Emery in view of Akinwale et al hereinafter Akinwale (EP 0708570 A2).

1) Referring to claim 23 and 32, Emery discloses:

A first telecommunication network: Examiner interprets the first telecommunication network (22, Fig 2); A local exchange (VLR at 22, Fig 2); A second telecommunication network (26, Fig 2, Col 15, Lines 20-35); A second local exchange (VLR at 26, Fig 2);

A subscriber (cell user, refer to Col 4, Lines 60-67);

Art Unit: 2451

Said first telecommunication network being connected to said second telecommunication network via a connection point (31, STP, Fig 2), wherein the two telecommunication networks are interconnected (Fig 2, Col 13, Lines 1-15).

Said subscriber station involved in a change between telecommunications network (refer to Col 4, Lines 45-67), Said subscriber station initially connected to said first telecommunications network (inherently that the subscriber is initially connected to first network to enable a switch to another network).

Said primary routing information (current location, refer to Col 5, Lines 1-22) pertaining to said subscriber station (while in the first network, the user is inherently registered with its routing information with the network)

Said primary routing information in the first telecommunication network and the primary routing information in the second telecommunication network (refer to Col 5, Lines 23-45).

Said primary routing information for defining a connection set up from the respective telecommunications network to the first local exchange (refer to Col 5, Lines 1-22).

Storing the secondary routing information in the first local exchange (current location, refer to Col 5, Lines 1-22).

Secondary routing information for defining a further connection setup, for the subscriber station to the secondary telecommunications network via the connection point provided that the subscriber station is not present (refer to Col 5, Lines 22-45).

Art Unit: 2451

Changing the primary routing information the second telecommunications network such that connections from the second communication network to the subscriber station are being set up to the second local exchange (refer to Col 5, Lines 23-67).

Disconnecting the subscriber station from the first local exchange (refer to Col 5, Lines 45-67).

Connecting the subscriber station to the second local exchange (refer to Col 5, Lines 23-45).

The two communication network are interconnected and share relevant subscriber routing information without central control (each local exchange/cellular MC does not control all local exchange/cellular MC in Fig 2, and does not control all routing information, therefore, does not share relevant subscriber routing information centrally).

Although Emery disclosed the invention substantially as claimed, Emery is silent regarding "disconnecting electrically the subscriber line" and "connecting electrically the subscriber line".

Akinwale, analogous art disclosed "disconnecting electrically the subscriber line" and "connecting electrically the subscriber line" (refer to Col 6, Lines 50-67 and Col 7, Lines 1-15).

Hence, providing functions disclosed by Akinwale, would be desirable for a user to implement in order to provide a high degree of freedom of movement of customers between carriers and geographic relocation without requiring a number change.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Emery by including the features presented by Akinwale.

2) Referring to claim 24, Emery discloses changing the primary routing information in the second telecommunications network such that connections from the second communications

Art Unit: 2451

network to the subscriber station are being set up to the second local exchange (refer to Col 5, Lines 20-45 and Fig 4).

3) Referring to claim 26, Emery discloses activating the secondary routing information in the first local exchange upon a fault occurring on an access line of the subscriber station while disconnecting the subscriber station, said secondary routing information relating to the subscriber station (refer to Col 5, Lines 20-67).

4) Referring to claim 27 and 35, Emery discloses changing the primary routing information in the first communications network after disconnecting the subscriber station from the first local exchange, so that communication requests originating from the first telecommunications network to the subscriber station are passed from the first telecommunications network to the second telecommunications network via the connection point (Col 5, Lines 20-67 and Fig 2 and Col 6, Lines 8-17).

5) Referring to claim 28, Emery discloses deleting the secondary routing information in the first local exchange – said secondary routing information relating to the subscriber station (refer to Col 5, Lines 45-67).

6) Referring to claim 29, Emery discloses the network deleting details from the first local exchange, said details relating to a relevant subscriber station being previously connected to the first telecommunications network (refer to Col 5).

Art Unit: 2451

7) Referring to claim 31 and 39, Emery discloses a carrier signal for a duration of the subscriber switching, said the signal being monitored by the first local exchange in order to identify a line fault on a(n) digital lines (refer to Col 5, Lines 40-67).

8) Referring to claims 25 and 33, Emery discloses details that provide information to the subscriber station in a course of a connection request with storage of the secondary routing information in the secondary local exchange if the subscriber station is still/already being connected to the first local exchange, then, carrying out the further connection setup via the second local exchange (refer to Col 5, Lines 20-67) said details indicating that the subscriber station is in the state of changing between networks.

Emery further disclose if the subscriber station is no longer/not yet connected to the second local exchange, then, carrying out the further connection setup via an associated secondary routing information (refer to Col 5, Lines 20-67).

9) Referring to claim 34, Emery discloses deactivating the secondary routing information relating to the subscriber station in the second local exchange, upon a fault end signal occurring on an access line of the subscriber station while connecting the subscriber station (refer to Col 5, Lines 45-67).

10) Referring to claim 36, Emery discloses the network deleting details from the second local exchange (refer to Col 5, Lines 40-67).

Art Unit: 2451

11) Referring to claim 37, Emery discloses by change a part of the details, it indicate a connection of the subscriber station to the second local exchange (refer to Col 5, Lines 40-67).

12) Referring to claim 40, Emery discloses storing and making available the primary and secondary routing information by utilizing at least one of a local operation at an exchange level and a central operation in a network (Col 5, Lines 20-67).

13) Referring to claims 43 and 44, Emery discloses detecting connection with more than once (STP is able to receive and transmit the information) passing the connection point in a course of setting up the connection (refer to Col 5, Lines 23-67); and clearing said connection (refer to Col 5, Lines 45-67);

14) Referring to claims 45 and 46, Emery discloses connecting the subscriber station to at least one of the first exchange and the second exchange via an access network interface (STP contains network interface, refer to Fig 2);

Although Emery disclosed the invention substantially as claimed, Emery is silent regarding Utilizing one of an availability and unavailability of the subscriber station as a criterion for one of an activation and a deactivation of the further connection setup in accordance with the secondary routing information of the subscriber station; said one of an availability and non-availability being signaled via the access network interface to a respective local exchange.

Art Unit: 2451

Akinwale, analogous art disclosed "disconnecting electrically the subscriber line" and "Utilizing one of an availability and unavailability of the subscriber station as a criterion for one of an activation and a deactivation of the further connection setup in accordance with the secondary routing information of the subscriber station; said one of an availability and non-availability being signaled via the access network interface to a respective local exchange." (refer to Col 4, Lines 45-67).

Hence, providing functions disclosed by Akinwale, would be desirable for a user to implement in order to provide a high degree of freedom of movement of customers between carriers and geographic relocation without requiring a number change.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Emery by including the features presented by Akinwale.

(10) Response to Argument

The examiner summarizes the various points raised by the appellant and addresses replies individually.

Rejection on 35 U.S.C. 103: Group 1 and Group 2

Appellant argued that:

- (1) The local exchanged is materially different than Emery's Visiting Location Register (VLR).
- (2) Connection point in the claim limitation is materially different from Emery's signal transfer point "STP".
- (3) The cited portion of Emery regarding to "primary routing information" is not relevant.

Art Unit: 2451

- (4) Emery does not disclose, teach or suggest disconnecting of the subscriber in a fixed network system.
- (5) Emery does not disclose the connecting the subscriber to a network.
- (6) Akinwale is not relevant, thus, Emery in view of Akinwale does not teach or suggest “disconnecting electrically the subscriber line of the subscriber station from the first local exchange; and connecting electrically the subscriber line of the subscriber station to the second local exchange”

Examiner disagrees with the above allegations.

In reply to argument:

(1) There is no specific definition within the specification of what a local exchange is. The specification and the claim limitations merely discloses the functionalities of the “local exchange”

Contrary from the allegations made by Appellant, Emery in view of Akinwale, satisfies the claim limitations that defines the “local exchange’s” functionalities.

Appellant’s “local exchange” is element which connects the subscribers to telecommunication networks. Similarly, Emery’s “local exchange” (VLR) connects the subscriber to the telecommunication networks and is capable to connect the subscriber to different telecommunication network (see switch users from one MSC to a different MSC, Col 5, Lines 12-15, Col 5, Lines 23-23).

Although appellant believes the “local exchange” contains materials different than Emery’s “local exchange”, there is no specific definition within the specification and the claim limitations that defines “local exchange” and its composition. The specification and the claim

Art Unit: 2451

limitations do not provide any specific indications on the unique composition of appellant's "local exchange" and does not specifically disclose how "local exchange" is materially different than any other elements that are well known in the art which possess similar functionalities. Therefore, it is not justified to give the allegation weight in regards to the "the local exchange" definition and how it is materially different because the intended definition or unique material differences of the "local exchange" are not being claimed.

Lastly, appellant's reasoning on how the "local exchange" is materially different than Emery's "local exchange" is not persuasive. As stated within the claim limitation, the "telecommunication network" comprises "local exchange". The Office Actions had been given the appellant's claim limitations the broadest and reasonable interpretation, for example, the telecommunication network is not limited to only fixed network, but also to other type of networks, therefore, the "local exchange" in the telecommunication does not need to be within the fixed network. Therefore, the "local exchange" could be in any type "telecommunication network" as long as the "local exchange" comprises the same claimed functionalities.

It is concluded that 1. the interpretation of the appellant "local exchange" is proper; 2. the mapping of appellant's "local exchange" with Emery's is justified and Emery in view of Akinwale satisfied the limitations stated in the claim limitations; and 3. appellant's allegation is indeed an error.

(2) There is no specific definition within the specification to define what "connection point" is. The "connection point" as stated within the specification and the claim limitation merely disclose its functionalities.

Art Unit: 2451

Contrary from the allegations made by Appellant, Emery in view of Akinwale, satisfies the claim limitations that discloses “connection point’s” functionalities.

Appellant’s “connection point” is element which connects the first telecommunication networks to a second telecommunication network. Emery’s “connection point” (STP), connects the first telecommunication networks to a second telecommunication network (see STP, 31, Fig 2 and Col 11, Lines 45-55). The claim language does not disclosing how appellant’s “connection point” is materially different than Emery’s “connection point”.

Although appellant believes the “connection point” contains materials different than Emery’s “connection point”, there is no specific definition within the specification as well as the claim limitations to define what “connection point” is and its composition.

Lastly, contrary to appellants allegation that the STP does not route calls, Emery’s invention disclosing the environment is also capable to route calls (refer to abstracts and refer to Col 2, Lines 15). Therefore, appellant’s allegation is indeed, an error.

(3) Contrary to appellant’s allegation, Emery discloses the primary routing information (current location, refer to Col 5, Lines 1-22). As indicated above (1) and (2) that the claim languages by appellant are broad and is reasonable for one of ordinary skill in the art to interpret the claim language with broadest meaning e.g., “telecommunication” is not limited to only fix network and the “local exchange” is not limited to only fixed network. Therefore, appellant’s arguments are not relevant and also are in error.

(4) This particular argument made by Appellant’s is a clear demonstrates that the allegations are not relevant to what are indeed being claimed. As mentioned in (1), (2) and (3), it appears that appellant allegedly provide definitions that are not claimed in the claim language

Art Unit: 2451

nor supported by the specification. As indicated in (3) the telecommunication as being claim is broad and does not explicitly limit the claim to “only” the fixed network. Therefore, appellant’s allegation is indeed, an error.

(5) Any person of ordinary skill in the art would realize that the subscriber is connecting to a different network while it is in “roaming” (see Col 15, Lines 23-33, Col 20, Lines 14-25). Again, appellant provide definitions that are not claimed in the claim language nor supported by the specification Therefore, the allegation are indeed, an error.

(6) It is not certain why appellant alleged Akinwale is not relevant while Akinwale’s invention is regarding calls in the telecommunication network. Akinwale disclosed the alleged missing allegation as follow:

Akinwale, analogous art disclosed:

“disconnecting electrically the subscriber line of the subscriber station from the first local exchange (terminating the subscriber line from the switch/local exchange, refer to Col 6, Lines 50-60, and Col 5, Lines 30-35); and connecting electrically the subscriber line of the subscriber station to the second local exchange (connecting the subscriber to the new switch/local exchange, refer to Col 6, Lines 50-67 and Col 7, Lines 1-15 and Col 5, Lines 30-35).”

It is obvious for one in the ordinary skill in the art to combine Emery and Akinwale because by combining Emery and Akinwale because not only Akinwale is in analogous art with Emery, but also because Akinwale’s teaching of “disconnecting electrically the subscriber line of the subscriber station from the first local exchange; and connecting electrically the subscriber line of the subscriber station to the second local exchange” would improve Emery’s system because by offering number portability in different network rather than “roaming” would reduce

Art Unit: 2451

the costs for subscribers and improve profits for Emery's system, but also provides an convenience ways to provide a high degree of freedom of movement of customers between carriers and geographic relocation without requiring a number change.

Therefore, Emery in view of Akinwale discloses every alleged missing claim limitations, and appellant's allegation is indeed an error.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

(12) Conclusion

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Karen Tang

10/08/2008

Conferee

/Kenny S Lin/
Primary Examiner, Art Unit 2452
/John Follansbee/ SPE 2451